

NOT FOR CITATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GLOBILL.COM, LLC,

Plaintiff,

No. C 02-5020 PJH

V.

ADRIAN MATHAI, et al.,

## ORDER DENYING WITHOUT PREJUDICE MOTION TO WITHDRAW AS COUNSEL

## Defendants.

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13 The motion to withdraw filed by the law firm of Murphy, Pearson, Bradley & Feeney,  
14 counsel to third-party defendants Daniel and Kathleen Warren, came on for hearing on August  
15 24, 2005 before this court. Vincent O’Gara appeared on behalf of the Murphy law firm, and  
16 the Warrens did not appear.<sup>1</sup> No other parties were present. The Murphy law firm stated in  
17 open court that they had diligently forwarded to the Warrens the court’s July 24, 2005 order  
18 requiring the Warrens’ appearance at the hearing, but that the Warrens had rebuffed all  
19 attempts to make contact. Additionally, Mr. O’Gara stated the basis for the request which had  
20 been omitted from the papers filed.

21 However, due to the Warrens' objection to the motion as stated in counsel's  
22 declaration and their failure to appear at the hearing, the motion to withdraw as counsel is  
23 DENIED, without prejudice to its renewal at the time of the filing of the supplemental case  
24 management statement on November 7, 2005. The court requires a statement by the  
25 Warrens as to their objection to their counsel's motion and as to whether they plan to  
26 substitute new counsel or appear pro se. The Murphy law firm shall diligently continue to

28 | 1 Pursuant to Civ. L.R. 7-13, this order may not be cited except as provided by Civ.  
L. R. 3-4(e).

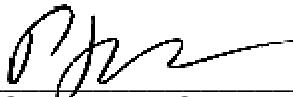
1 attempt to contact the Warrens and inform them of this requirement. Any subsequent motion  
2 filed by the Murphy law firm must detail the attempts made to contact the Warrens and their  
3 outcome.

4 The Warrens are cautioned that if they can provide no good reason for their failures to  
5 respond or if they otherwise ignore this order, the court will proceed to grant the Murphy law  
6 firm's motion to withdraw even in their absence. In addition, the continued failure to appear or  
7 respond to court orders may also warrant the imposition of their default in favor of the third-  
8 party plaintiffs.

9 This order fully adjudicates the matter listed at no. 102 on the clerk's docket for this  
10 case.

11 **IT IS SO ORDERED.**

12 Dated: August 23, 2005



13 PHYLIS J. HAMILTON  
14 United States District Judge